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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/813,647	03/07/1997	ARIEL HENDEL	082225.P2170	3716

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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 11/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action****Application No.**

08/813,647

**Applicant(s)**

ARCHER, DAVID W.

**Examiner**

Thong H Vu

**Art Unit**

2142

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attach.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-41.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.
9.  Note the attached Information Disclosure Statement(s) ( PTO-1449) Paper No(s). \_\_\_\_\_.
10.  Other: \_\_\_\_\_.



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### ***Response to Arguments***

Applicant's arguments filed 10/21/02 have been fully considered but they are not persuasive to overcome the prior art.

1. Applicant argues the prior art does not teach all limitations recited in claim 32.

Claim 32 recites a network device comprising:

- 1.a first modem connects to a first port/interface,
- 2.a second modem connects to the second port/interface ,
- 3.a emulator software or trunking pseudo driver,
- 4.the trunking pseudo driver allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies a connection between a first device and second device.

Examiner notes the prior art taught

- 1.a first port that connects to a first interface [Nair col 9 lines 15-37, col 14 lines 28-44, col 19 lines 35-50, col 21 lines 5-42, col 22 lines 27-47],
- 2.a second port that connects to a second interface [Nair col 9 lines 15-37, col 14 lines 28-44, col 19 lines 35-50, col 21 lines 5-42, col 22 lines 27-47], and
- 3.a trunking pseudo driver coupled to the first port and the second port such that
- 4.the trunking pseudo driver allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies a connection between a first device and second

device which is equivalent to the combination of two modem using channel number and specific name to identify the connection between a first and second device [Freeman col 4 lines 62-68, col 6 lines 20-50]. The identifier or specific name assigned for each channel or the total channel of modems as a single emulation interface is just a variable subject matter.

2. Applicant argues the claims 1,14,19,24,32,38,39,40 and 41 does not contain the limitations set forth in claims 32.

Examiner notes either claims 1,14,19,24,32,38,39,40 and 41 contains similar limitations as claim 32 as one invention or different limitations means different inventions. However applicant did not point out what different between claim 32 and the above claims.

Thus, the rejection is sustained.



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